

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HENRY A. UMOUYO, et al.,

Plaintiffs,

v.

BANK OF AMERICA NA, et al.,

Defendants.

CASE NO. 2:22-cv-00704-JHC

ORDER

This matter comes before the Court on Defendants Bank of America, N.A. and Carrington Mortgage Services, LLC's Motion to Dismiss for Failure to State a Claim filed on May 31, 2022. Dkt. # 6. On June 20, 2022, Plaintiff Henry A. Umouyo filed an amended complaint. Dkt. # 14. Defendants then filed a Motion to Dismiss First Amended Complaint. Dkt. # 17.

In the Ninth Circuit, the filing of "an amended complaint supercedes the original complaint and renders it without legal effect." *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012). "Courts often apply this rule to motions to dismiss a complaint that has since been superseded and deny such motions as moot." *Bisson v. Bank of Am., N.A.*, No. C12-0995JLR, 2012 WL 5866309, at *1 (W.D. Wash. Nov. 16, 2012) (collecting cases). Plaintiff's amended

1 complaint (Dkt. # 14) has superseded the original complaint (Dkt. # 1-2) and is now the
2 operative pleading in this proceeding. Accordingly, the Court STRIKES Defendants' motion to
3 dismiss the original complaint (Dkt. # 6) as moot. *See Caldwell v. Boeing Co.*, No. C17-
4 1741JLR, 2018 WL 2113980, at *3 (W.D. Wash. May 8, 2018) ("the court denied Boeing's first
5 motion to dismiss as moot because Mr. Caldwell's second amended complaint superseded his
6 original complaint and rendered his original complaint without legal effect.").

7 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
8 to any party appearing *pro se* at said party's last known address.

9 Dated this 1st day of July, 2022.

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11 John H. Chun
12 United States District Judge
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